

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Pursuant to the authority of Iowa Code section 125.7, the Department of Public Health hereby amends Chapter 157, “Standards for Substance Abuse Treatment and Assessment Programs and the Operating a Motor Vehicle While Intoxicated (OWI) Law,” Iowa Administrative Code.

The amendment provides the Department the ability to ensure that, upon receipt of a properly executed written release of information signed by the client/patient, the program shall release client/patient records in a timely manner. A program may refuse to file the reporting form required by subrule 157.3(1), “Notice Iowa Code 321J—Confidential Medical Record,” reporting screening, evaluation, and treatment completion, if payment has not been received for such services.

Notice of Intended Action was published in the March 24, 2010, Iowa Administrative Bulletin as **ARC 8629B**, and a public hearing was held on Tuesday, April 13, 2010. No one appeared at the public hearing. One written comment was received from a substance abuse treatment program executive director. The comment was generally positive but requested that the Department include a definition for “continuation of care.” The Department determined this definition was not necessary. This amendment is identical to the amendment published under Notice of Intended Action.

The State Board of Health adopted this amendment on May 12, 2010.

This amendment is intended to implement Iowa Code chapter 125.

This amendment will become effective July 7, 2010.

The following amendment is adopted.

Amend rule 641—157.7(125) as follows:

641—157.7(125) Records.

157.7(1) Programs shall maintain records for a minimum of seven years after discharge or completion of screening, evaluation, or treatment, and then destroy or maintain the records based on the program’s written policy and procedure.

157.7(2) Upon receipt of a properly executed written release of information signed by the client/patient, the program shall release client/patient records in a timely manner.

a. A program shall not refuse to transfer or release client/patient records related to continuation of care solely because payment has not been received.

b. A program may refuse to release client/patient records which are unrelated to continuation of care if payment has not been received.

c. A program may refuse to file the reporting form required by subrule 157.3(1), “Notice Iowa Code 321J—Confidential Medical Record,” reporting screening, evaluation, and treatment completion, if payment has not been received for such services.

[Filed 5/13/10, effective 7/7/10]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/2/10.